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October 30, 2023

Sweigert v. Goodman, 23-cv-05875-JGK

Associated action: 23-cv-06881-JGK

U.S. District Judge Honorable John G. Koeltl
U.S. District Court
for the Southern District of New York
500 Pearl Street
New York, N.Y. 10007
Via ECF filing

SUBJ: Letter motion requesting leave of the Court to file a Second Amended Complaint

Your Honor,

1. This letter motion seeks leave of the Court to file a Second Amended Complaint.

POINT ONE

2. After conferring with legal counsel representing the social media Defendant “Google”, it has been determined that “Google” should be dropped as a Defendant. Therefore, Plaintiff moves for leave to amend the complaint for the purpose of dismissing defendants Google LLC, Youtube, LLC, and Alphabet Inc. (collectively, “Google”). *See Fed. R. Civ. P. 15(a)(2).* To dismiss Google as a defendant, with the Court’s leave, Plaintiff will file a Second Amended Complaint in which Google is removed from the case caption, and paragraphs 36 and 37 of the Amended Complaint are removed. Plaintiff further moves to extend Google’s deadline to answer the Amended Complaint, to allow the Court time to rule on this motion.

POINT TWO

3. Defendant Goodman, who operates Crowdsource The Truth™, has also suggested this course of action, quoted in relevant part from ECF no. 37:

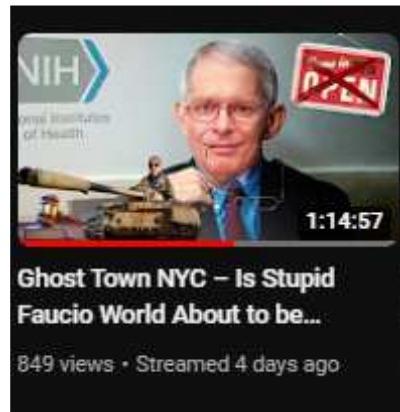
when I was served with the Court’s Order and the Amended Complaint. I respectfully request an extension of 30 days from the time Plaintiff Sweigert files a Second Amended Complaint or otherwise cures defects identified in the Safe Harbor Notice of Motion for Sanctions Pursuant to Rule 11. In the alternative, should Plaintiff fail to cure the defects identified, and in the event the

POINT THREE

4. In a public video broadcasted (cited) below, Defendant Goodman advises his audience that six (6) of his YouTube channel accounts have been terminated (*Crowdsource The Truth™ no. 8 and no. 9, John Cullen Investigates*, and two other unnamed channels). Mr. Goodman now broadcasts on an entirely new YouTube channel.



<https://www.youtube.com/@DefinitelyNOTCSTT>



https://www.youtube.com/watch?v=_IvNnEcSe_g&t=2583s



https://www.youtube.com/watch?v=_IvNnEcSe_g&t=2583s

SUMMARY

5. These developments demonstrate the discovery of new evidence that justifies filing of a Second Amended Complaint. As this Court has explained, there is a well-established “presumption in favor of granting leave” to amend under Rule 15(a). See *Sigmund v. Martinez*, No. 06 CIV. 1043 RWS MHD, 2006 WL 2016263, at *1 (S.D.N.Y. July 13, 2006) (citing *Foman v. Davis*, 371 U.S. 178, 182 (1962)); see also *In re United Brands Co. Sec. Litig.*, No. 85 CIV. 5445 (JFK), 1990 WL 16164, at *2 (S.D.N.Y. Feb. 15, 1990) (“[T]he Court begins with the presumption that the motion should be granted unless good reason exists to deny it.”).

6. Courts in this District have repeatedly followed this same principle, granting leave to amend where the movant has uncovered new evidence and acted on that information without undue delay. For instance, in *S.E.C. v. DCI Telecommunications, Inc.*, 207 F.R.D. 32, 33–34 (S.D.N.Y. 2002).

7. Therefore, the undersigned seeks permission to fully brief the Court with a motion for leave to amend accompanied by the appropriate memorandum of law, pursuant to a schedule promulgated by the Court.

Respectfully, Signed 10/30/2023



D.G. SWEIGERT, PRO SE PLAINTIFF

CERTIFICATE OF SERVICE

Hereby certified that a PDF copy of this letter has been sent via electronic mail to:

Jason Goodman, ~~sole stockholder of MULTIMEDIA SYSTEM DESIGN, INC.~~

truth@crowdsourcethetruth.org

Certified under penalties of perjury.

Respectfully, Signed this October 30th, 2023 (10/30/2023)



PRO SE PLAINTIFF